

**CITY OF CLEWISTON
Regular Commission Meeting
January 26, 2015**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, January 26, 2015. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland.

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Kristine Petersen, and Commissioner Julio Rodriguez. Commissioner Sherida Ridgill was absent.

Personnel Present: City Manager Al Perry, Finance Director Ted Byrd, City Clerk Marilyn McCorvey, Library Director Ava Barrett, Police Chief Don Gutshall, Community Development Director Travis Reese, Recreation Director Lance Ramer, Utilities Director Danny Williams, and City Attorney Charles Schoech.

Visitors Present: Asa & Betty Godsey, Christine Howell, Alan Koch, Jim LaRue, Chuck Pelham, Cole Phillips, Curtiss Pullen, and Carlos Roque.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry asked that Agenda Item #2 and #7 be deleted and that the Second Amendment to Professional Services Agreement with ATS be added as 7-A. The Commission was also asked to discuss Agenda Item No. 6 as the first item. The Commission agreed.

Pastor Alan Koch stated that he is stepping down as the President of the Ministerial Association. Pastor Koch stated that Pastor Chuck Pelham and Pastor Cole Phillips of New Harvest Church will be taking on the job of leading the ministerial association.

Retirement Plan Update – Gloria Rosen – Ms. Rosen informed the Commission that our pension plan is still doing well. She stated last fiscal year, the plan earned \$1,110,955 and the first quarter gain is \$318,511.

1. Consent Agenda

- A. *City Commission Workshop Minutes – December 11, 2014*
- B. *City Commission Meeting Minutes – December 15, 2014*
- C. *Declaration of Surplus Equipment*
- D. *Event Application – H.C. Fair & Livestock Show – February 13 – 21, 2015*
- E. *Event Application – H.C. Fair Parade – February 14, 2015*

Commissioner Gardner made a motion, seconded by Commissioner Petersen, to approve the Consent Agenda. Vote 4 yeas, 0 nays. (Commissioner Sherida Ridgill was absent.)

- 2. Deleted** - The Planning & Zoning Board held a public hearing on January 12, 2015 regarding a Variance Application for the Area Housing Commission of Clewiston, LaBelle and Hendry County. The Housing Commission is requesting a reduction in the parking standards requirements at 1016 W. Ventura Avenue, the proposed site for a housing development. The Planning & Zoning Board recommends approval of the variance.

RESOLUTION

- 3. Resolution No. 2015-01** – This resolution approves an agreement with FDOT for highway maintenance. The agreement is \$2,082.74 less than the current agreement. Staff has discussed the reduction in payment with FDOT, and their response is that the payments are based on State averages. City Manager Perry read Resolution No. 2015-01 by title.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2015-01. Vote 4 yeas, 0 nays. (Commissioner Sherida Ridgill was absent.)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

4. **Three Party Contract Between the City of Clewiston, Polston Applied Technologies, LLC, and Florida Rural Water Assoc. Approval** - The City has been selected by the Florida Rural Water Assoc. (FRWA) to receive funds to help meet expenses for removal of sand and grit from the Sewer treatment plant oxidation ditches. It is estimated that the sand and grit has reduced the capacity of the oxidation ditches by over 10%. FRWA pre-selected Polston because it is the only contractor in the State that can perform the work when the plant is operating. FRWA will monitor the work and payments to Polston must be pre-approved by the agency. Mayor Roland informed the audience that the CEO of Polston gave a presentation at the workshop and removal of the sand and grit will help the operation of the WWTP. Commissioner Gardner stated it will also help us meet the DEP requirements for the plant. City Attorney Schoech stated the document is legally sufficient.

Commissioner Petersen made a motion, seconded by Commissioner Gardner, to approve the three-party contract between the City, Polston, and Florida Rural Water Assoc. and authorize the City Manager to sign. Vote 4 yeas, 0 nays. (Commissioner Sherida Ridgill was absent.)

5. **Approval of Addendum to Comprehensive Plan Agreement Dated 2011** – LaRue Planning & Management Services, Inc. LaRue Planning & Management performed additional work on the City's Comprehensive Plan, including the Future Land Use Map amendments and revisions to the Water Supply Plan, in order to get it ready to send to the State for approval. Commissioner Gardner voiced her concern that we have paid LaRue Planning \$15,500 and are back asking for another \$10,500. She stated we issued an RFP for the first work on the EAR and Mr. LaRue was the low bidder, but she is concerned about the additional cost. Mr. LaRue stated the submittal to the State was not just an EAR report that was started in 2011. He stated we added the Water Supply Plan and had several meetings and it took more work than was contemplated in the beginning. He stated the school element was sent in three ordinances, and now it has to be incorporated into the Comp Plan which was not anticipated. Mr. LaRue stated the work done in 2014 was not the same scope of work that was bid in 2011. Community Development Director Reese stated that when the Commission wanted to expand the downtown area and the corridor, there was additional work that needed to be done. Mayor Roland stated that when the original contract was up, Mr. Reese should have brought it back to the Commission. City Attorney Schoech stated the Commission should decide if they desire Mr. LaRue to continue the work to fruition or whether to bid the additional work out and give other consultants the opportunity to bid. Mr. Schoech stated the Commission should realize any new consultant would have to get up to speed and there would be additional costs to that. Mr. Schoech thought it would be in the City's best interest to allow Mr. LaRue to continue the project. Mr. LaRue stated that if the Commission approved the contract, his fee for all required work will not exceed the contract amount.

Commissioner Rodriguez made a motion, seconded by Commissioner Petersen, to approve the 2014 Addendum to the original LaRue Planning & Management Services Agreement in an amount not to exceed \$10,500, and authorize the City Manager to sign. Vote 3 yeas, 1 nay. (Commissioner Mali Gardner voted nay.) (Commissioner Sherida Ridgill was absent.)

6. **Proclamation – Florida First Responder Appreciation Month** – First responders include law enforcement officers, firefighters, and EMTs and this proclamation encourages residents to say thank you to first responders who keep us safe. City Manager Perry read the Proclamation. The entire Commission expressed their gratitude to the Fire Department, Police officers and EMT's for the work they do.

Commissioner Gardner made a motion, seconded by Commissioner Petersen, to approve the Florida First Responder Appreciation Month Proclamation. Vote 4 yeas, 0 nays. (Commissioner Sherida Ridgill was absent.)

7. **Deleted - Discussion on Fees Charged by Recreation Department for Facilities and Services.**

7-A. Second Amendment to Professional Services Agreement with ATS – Mr. Schoech stated it is his recommendation that the Commission approve this contract. He stated the termination date for the original contract is December 31, 2016. Mr. Schoech stated the amendment specifies and clarifies the issues in the Broward County case. Mr. Schoech stated that West Palm Beach has suspended their red light camera operations, and ATS has informed them they are in violation of their contract. Mr. Schoech stated West Palm Beach will have additional legal costs, in addition to the loss of income from the cameras. Mr. Schoech stated his opinion is that the City should resume the operation of the red light cameras in order to have income to pay ATS, and keep the City out of a lawsuit with ATS, and approve the second amendment. Mr. Schoech stated he has sent the letter to ATS stating that the City does not intend to renew the contract.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the Second Amendment to Professional Services Agreement with ATS. Vote 4 yeas, 0 nays. (Commissioner Sherida Ridgill was absent.)

8. Departmental Monthly Activity Reports - Presented for information only.

PUBLIC COMMENTS - At this time, any person will be allowed to speak on any matter that pertains to City business. Library Director Barrett reminded everyone about two programs the Library is hosting this week. The Abe Lincoln performance sponsored by the Clewiston Inn and Friends of the Library will be on January 28 in the Library and on Thursday evening, the Library will present Elvis and the Superstar at the John Boy Auditorium.

COMMENTS FROM CITY MANAGER – City Manager Perry stated he just received the “Fish Clewiston” logo, but he is not real happy with it. Mr. Perry asked that the Commission give him their comments and he will share them with the creator. Mr. Perry stated that the Ray O Vac Tournament was the biggest ever tournament. He stated that Ramon Iglesias called him when the angler’s reception was over and told him how great the facility was and thanked the City for their help. Mr. Perry stated that USSC and the H.E. Hill Foundation were present at the South Florida Fair livestock sale.

COMMENTS FROM THE CITY ATTORNEY - None

COMMENTS FROM THE CITY COMMISSION – Mayor Roland stated that on the revenue producing budget reports, he would like to see the prior year to compare. Commissioner Petersen thanked Recreation Director Ramer for the basketball efforts at the Harlem Gym. She stated she went there a couple of times and was very happy to see all the kids. Commissioner Gardner thanked staff for getting everything set up for the fishing tournaments and also thanked staff for helping to resolve various problems in-house and all of their great efforts on behalf of the City. Commissioner Gardner stated she feels it is important to set workshops for the vision for US27 and would like to start soon. Commissioner Gardner asked for an update on the Tyler Technologies software implementation.

ADJOURNMENT

The meeting was adjourned at 6:25 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk